



**GUIDANCE FOR PREPARING A NICE³
APPLICATION
(BASED ON FY00 SOLICITATION)**

NICE³ PROGRAM

TITLE PAGE / ABSTRACT

SHORT APPLICATION TITLE

PRIMARY INDUSTRIAL PARTNER, DEMONSTRATION HOST SITE,
AND STATE AGENCY:

NAME

ADDRESS

TELEPHONE NUMBER

FAX NUMBER

E-MAIL ADDRESS

CONGRESSIONAL DISTRICT

ABSTRACT

Not to exceed 250 words that can be understood by and is suitable for release to the public if the application is selected for award. It should include a definition of the technology, its energy savings potential, the location of the proposed demonstration, and a short summary of the work to be accomplished.

STAGE OF DEVELOPMENT

(Production-Scale Commercial Demonstration)

See Stages of Development for definitions

PRIMARY OIT FOCUS INDUSTRY AND/OR OTHER EERE SECTOR FOR THE PROPOSED TECHNOLOGY

As discussed in the summary section of the solicitation. If the technology is relevant to more than one industry, indicate the primary industry and other applicable industries.

****Within the proposal, describe in bold text why this project will not go forward without DOE funding.***

APPLICATION NARRATIVE

10 Pages Maximum (8.5" x 11" pages of typed text; no smaller than 12-point type, single-spaced; and no less than 0.75" margins)

- Excess pages beyond the ten-page limit will not be evaluated.
- Technical material must be presented using accepted science and engineering principals and terminologies. Summary pilot-scale performance data should be included to demonstrate a technology's operation, advantages over current technology, current stage of development, and its potential energy impact.
- Include the criteria titles as headers in the narrative.

Standard Form 424 REV 4-88, Prescribed by OMB Circular A-102

CRITERION 1
**TECHNOLOGY FEASIBILITY/
PROCESS DESCRIPTION**
(25 Points)

- Show that a need exists in industry and that the proposed solution is technically viable.
- Describe the technology/process and how it works including a discussion on prior development and results with relevant data. Complete and submit the “Cost-Sharing, Demonstration Host Site, and Commercial Demonstration Checklist” (Attachment 2 in the solicitation).
- Identify the scientific and engineering basis for the technology’s operation to show that the technology is developed by providing product/process designs and summary performance data from pilot-scale work.
- Discuss prior work-to-date that supports the current stage of development (Stage 5, Production-Scale Commercial Demonstration).
- Discuss the technology/process’ technical advantages over current technologies, and identify the features that are innovative.

CRITERION 1
TECHNOLOGY FEASIBILITY/
PROCESS DESCRIPTION
CONTINUED

Evaluators will consider the following:

- Adequacy and thoroughness of the technology/process description and clarity and completeness of the application.
- Level of innovation and viability of the technology within industry.
- Justification of the current stage of development.

CRITERION 2

COMMERCIALIZATION/MARKET POTENTIAL

(25 Points)

- Briefly identify in lay terms the specific product or process expected to be sold (should be limited to a single sentence). Describe the product or process and its commercial uniqueness and benefits. Identify competitive products or processes and state their competitive advantages/disadvantages.
- Describe what evidence there is that industry is interested specifically in the proposed product or process. (Include brief letters on industry letterhead indicating interest in the technology upon successful demonstration). Estimate the total market (in \$U.S.) for the product or process, and explain how the estimate was developed. Describe the size of the technology's primary target segment within its estimated total U.S. market. Indicate what share of this segment the applicant plans to capture within the first 2 years after market entry. Estimate month and year when the fully demonstrated product or process will be ready for sale to the marketplace.
- State what commercialization strategy the applicant intends to use (e.g., start a new business; expand an existing business; license or sell the technology to another entity; enter a joint venture or strategic alliance with another company). Discuss what commercialization milestones have been established, and identify what commercialization steps have been taken to date.
- Identify anticipated barriers to implementing the proposed commercialization strategy, and explain how these barriers will be overcome. Is commercialization dependent on the development of other technologies?
- Present the estimated total cost to bring the technology to market. Explain how the product or process will be sold and delivered to the end users, and indicate whether the distribution channels are currently available.
- Provide a letter from the holder of the technology rights agreeing to actively commercialize the technology and provide 10 years of commercialization data to DOE after the award period ends.*

* Does not count toward page limit.

CRITERION 2

COMMERCIALIZATION/MARKET POTENTIAL

CONTINUED

Evaluators will consider the following:

- Adequacy of product description and comparison to competitive technologies.
- Adequacy and reasonableness of the market analysis and industry interest.
- Completeness and viability of the detailed commercialization discussion including strategy, completed commercialization steps, planned commercialization milestones, cost to market, and anticipated distribution channels.
- Ability of applicant to overcome commercialization barriers.
- Contains a letter from the holder of the technology rights agreeing to actively commercialize the technology and provide 10 years of commercialization date to DOE after the award period ends.

CRITERION 3

ENERGY SAVINGS AND ASSOCIATED BENEFITS

(30 Points)

- Qualitatively discuss the technology's energy savings. Include examples reflecting percentage improvement over competing/existing technologies.
- Provide quantitative energy savings information by using the format in *NICE³ Metric Summary*. Data should be derived from development (bench-scale and pilot-scale) results and compared with current technologies employed in similar uses. Provide all assumptions used in estimating energy savings.
- Qualitatively discuss the technology's environmental benefits, and provide quantitative environmental benefits information by using the format in *NICE₃ Metric Summary* as a guideline. These may include reductions in CO₂ emissions, elimination of waste production at the source, etc. Include assumptions that support these values.
- Provide a qualitative discussion of the economic savings (% decrease in cost, capital spending, improvements in quality and productivity achieved through the use of the technology, impact of the technology on employment, etc.) for the proposed technology versus the comparable competing technology.

CRITERION 3

ENERGY SAVINGS AND ASSOCIATED BENEFITS

CONTINUED

Evaluators will consider the following:

- Evidence indicating significant (to the associated industry) energy, environmental, and economic savings including supporting data and assumptions.

CRITERION 4
STATEMENT OF WORK
(10 Points)

- State the project objective in a narrative form, and clearly indicate what the applicant will achieve with the project funds (including federal and cost share funds).
- Include an organized list of tasks with estimated timeframes, responsible individual/organization, and projected cost that supports the project objective. (See *NICE₃ Statement of Work Requirements*).
- Include for each task a detailed description and expected results in narrative form.
- Discuss roles and responsibilities of each team member, including the demonstration partner.

NICE³ STATEMENT OF WORK REQUIREMENTS

1. State the project objective in a narrative form and clearly indicate what the applicant will achieve with the project funds (including federal and cost share funds).
2. Include an organized list of tasks, with estimated timeframes, responsible individual/organization, and projected cost, which supports the project objective. Include any equipment purchase over 10% of the total project cost as a separate task.

Task/Milestone Table

Task Number	Task/Milestone Title	Estimated Timeframes (Months from Award)	Responsible Individual/Organization	Projected Cost (Federal/Cost Share Funds)	
				Federal	Cost-Share
Task 1					
Task 2					
Task x					

3. Include for each task a detailed description and expected results in narrative form. Include labor type and hours that will be utilized for each task.
4. Discuss roles and responsibilities of each team member, including the demonstration partner.

Please find below a sample statement of work to help you prepare your statement of work in a way that provides the required information for a sufficient review and understanding of the project being proposed. The sample may not reflect the type of project that you are proposing but may be used as a model to ensure that you are communicating the required information such as; the tasks to be performed, the funding amount associated with each task and the timeframes for completion of each task. Information in the table must be provided in a format that is similar to the sample below.

CRITERION 4

STATEMENT OF WORK

CONTINUED

Evaluators will consider the following:

- Adequacy and completeness of the Statement of Work to support successful completion of the project per *NICE₃ Statement of Work Requirements*.
- Completeness of Task/Milestone Table with the Statement of Work.
- Likelihood of project task and milestone completion.
- Team members' roles and responsibilities are clearly laid out and appropriate.

CRITERION 5

APPLICANT CAPABILITIES

(10 Points)

- Discuss relevant partner/team capabilities including technical/commercialization experience (a short paragraph) of key personnel. Full resumes may be included under additional information.
- Identify non-federal partners and their associated cost-share. Provide a completed “Cost-Sharing, Demonstration Host Site and Commercial Demonstration Checklists” (Attachment 2) for each contributing partner. Include the project’s host site partner and confirm his financial and/or in-kind commitment.* Discuss how and when these funds will be secured to support the project.
- Describe the availability of, or plans to obtain, equipment and facilities necessary to conduct a production-scale commercial demonstration.
- Provide industry letters of commitment on company letterhead from all cost-share partners indicating the amount and type of commitment.

*Does not count toward page limit.

CRITERION 5

APPLICANT CAPABILITIES

CONTINUED

Evaluators will consider the following:

- Capabilities of the applicant and partners to comprehensively address all aspects of the proposed project and conduct a production-scale commercial demonstration by the end of the grant period.
- Qualifications and experience of key personnel.
- Commitment of team members.
- Adequacy of equipment and facilities to support successful completion of the project.
- Required cost-share and host demonstration site are available and adequate.

ADDITIONAL INFORMATION

10 Pages Maximum*

Examples include the following:

- Photos
- Schematics
- Endorsements
- Letters of support
- Letters of commitment
- Patent summary sheet
- Articles
- Other material deemed pertinent to the technical description of the application.

* Please note that the additional information cannot be used as a continuation of the application narrative. **Excess pages beyond the 10-page limit will not be evaluated.** Resumes and other required forms are not counted as part of the page limit for additional information. The form, “Similar Financial Assistance Applications of Awards,” (Attachment 3 of the solicitation) must also be completed and submitted with the application.

ATTACHMENTS

- Attachment 1 NICE₃ Grant Application Requirements Checklist
- Attachment 2 Cost-Sharing, Demonstration Host Site, and Commercial Demonstration Checklist
- Attachment 3 Similar Financial Assistance Applications or Awards

ATTACHMENT 1

NICE³ GRANT APPLICATION REQUIREMENT CHECKLIST

The following Financial Assistance Application Requirements Checklist has been included to assist in submitting the solicitation requirements for evaluation.

Application Requirements Checklist

Failure to include or comply with all items on the checklist will result in the application being deemed non-responsive and not considered for award. All forms must be complete and/or signed. Please fill in this form to ensure that all required documents are included.

1. ☐ Submitted on time in accordance with solicitation instructions including the following:
 - ☐ Title Page/Abstract
 - ☐ Technical Feasibility and Innovation
 - ☐ Commercialization/Market Potential
 - ☐ Energy Savings and Associated Benefits
 - ☐ Statement of Work
 - ☐ Applicant Capabilities
2. ☐ Standard Form 424, Application for Federal Assistance
3. ☐ Cost-Sharing, Demonstration Host Site, and Commercial Demonstration Checklist (Attachment 2)
4. ☐ Task/Milestone Table (within the Statement of Work)
5. ☐ Similar Financial Assistance Applications or Awards Form (Attachment 3)
6. ☐ Agreement letter from technology rights holder
7. ☐ Application is within required page limitations
8. ☐ Certification regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
9. ☐ DOE Form 1600.5, Assurance of Compliance, Nondiscrimination in Federally Assisted Programs, OMB Burden Disclosure Statement.

ATTACHMENT 2

Cost-Sharing, Demonstration Host Site, and Commercial Demonstration Checklist

The federal government prescribes certain criteria that proposed awardee cost-sharing or matching contributions (including cash and third party in-kind contributions such as manpower, equipment, consultants, and computer time) must meet in order for such cost-sharing to be allowable under its financial assistance awards. Cost-sharing must meet the following requirements of 10 CFR 600.123:

- 1) Is verifiable from the recipient's records;
- 2) Is not included as contributions for any other federally-assisted project or program;
- 3) Is necessary and reasonable for proper and efficient accomplishment of project or program objectives;
- 4) Is allowable under the applicable cost principles;
- 5) Is not paid by the federal government under another award, except where authorized by federal statute;
- 6) Is provided for in the proposed budget; and
- 7) Foregone fee or profit is **excluded** from any proposed cost-sharing amount.

Proposed cost-sharing amount - cash \$_____ in-kind \$_____

Demonstration host-site - _____ Yes _____ No

Location of Demonstration Site _____
(company name and complete address)

I hereby represent that the above information is true and correct, and my proposed cost-sharing meets all of the requirements of 10 CFR 600.123 and specifically complies with the criteria set forth above.

Name _____

Signature _____ Date _____

Organization _____

Company Type _____ (small business, business, non-profit, university, state agency, or utility)

Address _____

Phone/fax/e-mail _____

Commercial Demonstration Checklist

Research and development has been completed with test results that show the technology to be economically attractive with a high probability of conducting a successful commercial demonstration by the end of the financial assistance period.

___Yes

___No

Completed Proposed Cost-Share and Demonstration Host Site form from the demonstration host partner is included with the application.

___Yes

___No

Completed Task/Milestone Table indicating industry standard, commercial demonstration will take place by the end of the financial assistance period.

___Yes

___No

Letter from the holder of the technology rights agreeing to actively commercialize the technology throughout industry and provide 10 years of commercialization data to DOE after the award period ends.

___Yes

___No

ATTACHMENT 3
SIMILAR FINANCIAL ASSISTANCE APPLICATIONS OR AWARDS

While it is permissible, with notification in the financial assistance applications, to submit identical or essentially identical applications for consideration under numerous federal program solicitations, DOE does not intend to fund applications under multiple contracts or financial assistance awards which involve the same, or essentially the same, effort. If an application for identical or similar work has been previously funded, is under consideration for funding, or is about to be submitted to another federal agency or to DOE in a separate action, the applicant must provide the following information:

1. The name(s) and address(s) of the agency(s), including a contact and phone number, to which the application(s) was submitted or will be submitted or from which an award(s) is expected or has been received.

2. The date(s) of submission or the date(s) of award.

3. The title of the application(s).

4. The name and title of the Project Manager or Principal Investigator for the application(s) submitted or award(s) received.

5. The number and date of the solicitation under which the application(s) was submitted or award was received.

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Energy determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period receding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

3. DRUG-FREE WORKPLACE

This certification is required by the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D) and is implemented through additions to the Debarment and Suspension regulations, published in the Federal Register on January 31, 1989, and May 25, 1990.

ALTERNATE I (GRANTEES OTHER THAN INDIVIDUALS)

- (1) The grantee certifies that it will or will continue to provide a drug-free workplace by:
 - (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing an ongoing drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
 - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - (1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the work-place not later than five calendar days after such conviction.

(e) Notifying the agency, in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to energy grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

(2) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance:

(Street address, city, county, state, zip code)

9 Check if there are workplaces
on file that are not identified here.

4. Lobbying Disclosure Act of 1995, Simpson-Craig Amendment

Applicant organizations which are described in section 501(c)(4) of the Internal Revenue Code of 1986 and engage in lobbying activities after December 31, 1995, shall not be eligible for the receipt of Federal funds constituting an award, grant, or loan. Section 501(c)(4) of the Internal Revenue Code of 1986 covers:

Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes.

As set forth in the Lobbying Disclosure Act of 1995 (Public Law 104-65, December 19, 1995), as amended ["Simpson-Craig Amendment," see Section 129 of The Balanced Budget Downpayment Act, I (Public Law 104-99, January 26, 1996)], lobbying activities is defined broadly. (See section 3 of the Act.)

The undersigned certifies, to the best of his or her knowledge and belief, that: it IS NOT an organization described in section 501(c)(4) of the Internal Revenue Code of 1986; OR that it IS an organization described in section 501(c)(4) of the Internal Revenue Code of 1986, which, after December 31, 1995, HAS NOT engaged in any lobbying activities as defined in the Lobbying Disclosure Act of 1995, as amended.

ALTERNATE II (GRANTEES WHO ARE INDIVIDUALS)

(1) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substances in conducting any activity with the grant.

(2) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.



As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

**U.S. Department of Energy
Assurance of Compliance
Nondiscrimination in Federally Assisted Programs**

OMB Burden Disclosure Statement

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Office of Information Resources Management Policy, Plans, and Oversight, Records Management Division, HR-422 - GTN, Paperwork Reduction Project (1910-0400), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585; and to the Office of Management and Budget (OMB), Paperwork Reduction Project (1910-0400), Washington, DC 20503.

(Hereinafter called the "Applicant")
HEREBY AGREES to comply with Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), Section 16 of the Federal Energy Administration Act of 1974 (Pub. L. 93-275), Section 401 of the Energy Reorganization Act of 1974 (Pub. L. 93-438), Title IX of the Education Amendments of 1972, as amended, (Pub. L. 92-318, Pub. L. 93-568, and Pub. L. 94-482), Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), the Age Discrimination Act of 1977 (Pub. L. 94-135), Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284), the Department of Energy Organization Act of 1977 (Pub. L. 95-91), the Energy Conservation and Production Act of 1976, as amended, (Pub. L. 94-385) and Title 10, Code of Federal Regulations, Part 1040. In accordance with the above laws and regulations issued pursuant thereto, the Applicant agrees to assure that no person in the United States shall, on the ground of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity in which the Applicant receives Federal assistance from the Department of Energy.

Applicability and Period of Obligation

In the case of any service, financial aid, covered employment, equipment, property, or structure provided, leased, or improved with Federal assistance extended to the Applicant by the Department of Energy, this assurance obligates the Applicant for the period during which Federal assistance is extended. In the case of any transfer of such service, financial aid, equipment, property, or structure, this assurance obligates the transferee for the period during which Federal assistance is extended. If any personal property is so provided, this assurance obligates the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance obligates the Applicant for the period during which the Federal assistance is extended to the Applicant by the Department of Energy.

Employment Practices

Where a primary objective of the Federal assistance is to provide employment or where the Applicant's employment practices affect the delivery of services in programs or activities resulting from Federal assistance extended by the Department, the Applicant agrees not to discriminate on the ground of race, color, national origin, sex, age, or disability, in its employment practices. Such employment practices may include, but are not limited to, recruitment, advertising, hiring, layoff or termination, promotion, demotion, transfer, rates of pay, training and participation in upward mobility programs; or other forms of compensation and use of facilities.

Subrecipient Assurance

The Applicant shall require any individual, organization, or other entity with whom it subcontracts, subgrants, or subleases for the purpose of providing any service, financial aid, equipment, property, or structure to comply with laws and regulations cited above. To this end, the subrecipient shall be required to sign a written assurance form; however, the obligation of both recipient and subrecipient to ensure compliance is not relieved by the collection or submission of written assurance forms.

Data Collection and Access to Records

The Applicant agrees to compile and maintain information pertaining to programs or activities developed as a result of the Applicant's receipt of Federal assistance from the Department of Energy. Such information shall include, but is not limited to the following: (1) the manner in which services are or will be provided and related data necessary for determining whether any persons are or will be denied such services on the basis of prohibited discrimination; (2) the population eligible to be served by race, color, national origin, sex, and disability; (3) data regarding covered employment including use or planned use of bilingual public contact employees serving beneficiaries of the program where necessary to permit effective participation by beneficiaries unable to speak or understand English; (4) the location of existing or proposed facilities connected with the program and related information adequate for determining whether the location has or will have the effect of unnecessarily denying access to any person on the basis of prohibited discrimination; (5) the present or proposed membership by race, color, national origin, sex, age and disability in any planning or advisory body which is an integral part of the program; and (6) any additional written data determined by the Department of Energy to be relevant to the obligation to assure compliance by recipients with laws cited in the first paragraph of this assurance.

The Applicant agrees to submit requested data to the Department of Energy regarding programs and activities developed by the Applicant from the use of Federal assistance funds extended by the Department of Energy. Facilities of the Applicant (including the physical plants, buildings, or other structures) and all records, books, accounts, and other sources of information pertinent to the Applicant's compliance with the civil rights laws shall be made available for inspection during normal business hours of request of an officer or employee of the Department of Energy specifically authorized to make such inspections. Instructions in this regard will be provided by the Director, Office of Civil Rights, U.S. Department of Energy.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts (excluding procurement contracts), property, discounts or other Federal assistance extended after the date hereof, to the Applicants by the Department of Energy, including installment payments on account after such data of application for Federal assistance which are approved before such date. The Applicant recognizes and agrees that such Federal assistance will be extended in reliance upon the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, the successors, transferees, and assignees, as well as the person(s) whose signatures appear below and who are authorized to sign this assurance on behalf of the Applicant.

Applicant Certification

The Applicant certifies that it has complied, or that, within 90 days of the date of the grant, it will comply with all applicable requirements of 10 C.F.R. § 1040.5 (a copy will be furnished to the Applicant upon written request to DOE).

Designated Responsible Employee

Name and Title (Printed or Typed)

()
Telephone Number

Signature

Date

Applicant's Name

()
Telephone Number

Address:

Date

Authorized Official:
President, Chief Executive Officer
or Authorized Designee

Name and Title (Printed or Typed)

()
Telephone Number

Signature

()
Date